

1 THE JEWETT LAW GROUP, INC.
2 BRADLEY E. JEWETT (BAR NO. 222773)
3 937 N. Crescent Heights Boulevard
4 Los Angeles, California 90046
5 Phone: (323) 378-6098
6 Fax: (323) 378-5818
7 E-mail: Brad@JewettLawGroup.com

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9 Attorneys for Plaintiff
10 EDEN SURGICAL CENTER,
11 a medical corporation
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16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA
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25 EDEN SURGICAL CENTER, a
26 California medical corporation,

27 Plaintiff,

28 v.

TENET HEALTHCARE
CORPORATION, C/O TENET
BENEFITS ADMINISTRATION
COMMITTEE, in its capacity as plan
administrator; TENET BENEFITS
ADMINISTRATION COMMITTEE,

Defendants.

Case No. CV09-07156 FMO

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT ON
PLAINTIFF'S CLAIM FOR
DISCLOSURE AND STATUTORY
PENALTIES FOR FAILURE TO
DISCLOSE UNDER 29 U.S.C.
§1132(a)(1)(A)**

[Filed concurrently with Memorandum of
Points and Authorities in Support of
Motion for Summary Judgment; Separate
Statement of Uncontroverted Facts and
Conclusions of Law; Declarations of
Laurence Reich and Bradley E. Jewett;
Request for Judicial Notice; Proposed
Judgment; Proposed Order; Compendium
of Exhibits]

Date: June 2, 2010
Time: 10:00 a.m.
Courtroom: F

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1 TO DEFENDANT TENET BENEFITS ADMINISTRATION COMMITTEE AND
 2 ITS ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on June 2, 2010, at 10:00 a.m., or as soon
 4 thereafter as counsel may be heard by Courtroom F of the above-entitled Court,
 5 located at 312 N. Spring Street, Los Angeles, California, plaintiff Eden Surgical
 6 Center ("Eden") will move and hereby moves the Court for summary judgment on the
 7 ground that there is no genuine issue as to any material fact, and that the moving party
 8 is entitled to judgment as a matter of law against defendant Tenet Benefits
 9 Administration Committee ("Tenet") for the following reasons:

10 Tenet Employee Benefit Plan (the "Plan") through its claims administrator
 11 PacifiCare, issued an untimely adverse benefit determination in response to a benefit
 12 claim submitted by Eden for services provided to a Tenet Plan Participant assignor.
 13 Tenet violated the Employees Retirement Income Security Act of 1974 ("ERISA"),
 14 and specifically 29 U.S.C. §1132(a)(1)(A), by failing and refusing to disclose certain
 15 documents regarding the operation of the Plan and the above-mentioned adverse
 16 benefit determination after receiving Eden's disclosure demand.

17 Based on Tenet's failure to comply with ERISA's disclosure provision, Eden is
 18 entitled to an order requiring Tenet immediately produce all documents involved in
 19 processing the adverse benefit determination at issue so that, if necessary, Eden will
 20 be capable of formulating an appropriate appeal.

21 Based on Tenet's willful failure to comply with this ERISA disclosure
 22 provision, Eden should also receive an award of statutory penalties on the claim
 23 described herein, as well as an award of attorneys' fees incurred in this action.

24 This motion is filed pursuant to *Federal Rules of Civil Procedure* Rule 56 and
 25 *Local Rules* 56 and 7.3, and is based upon this Notice of Motion and Motion, the
 26 Memorandum of Points and Authorities in Support of Motion for Summary
 27 Judgment; the Separate Statement of Uncontroverted Facts and Conclusions of Law;
 28 the Declarations of Laurence Reich and Bradley E. Jewett; the Request for Judicial

1 Notice; the [Proposed] Judgment; the [Proposed] Order; Eden's Compendium of
2 Exhibits, all other pleadings and papers on file in this action, and upon such other
3 matters presented to the Court at the time of the hearing.

4 Dated: April 21, 2010

THE JEWETT LAW GROUP, INC.

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6 By: /S/ Bradley E. Jewett
BRADLEY E. JEWETT
7 Attorneys for Plaintiff
8 Eden Surgical Center
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